

REMARKS

Claims 1 through 4, 6 through 16, 18 through 20, 22 through 24 and 26 through 28 are pending in the application.

Claims 1 and 23 have been amended to recite that the textile support consists of a woven fabric or knitted fabric. Support for this amendment can be found in the Application-as-filed, for example on Page 6, lines 29 through 30.

Claim 6 has been canceled to conform with Claim 1 as-amended.

Claim 7 has been amended to depend from Claim 6.

Claim 27 has been canceled, as its subject matter has been incorporated into Claims 1 and 23.

Claim 29 has been added to complete the record for examination and highlight advantageous embodiments of the invention. Claim 29 is directed to embodiments in which the coating has a smooth surface so that sausage meat emulsion can slide thereover during stuffing. Support for Claim 29 can be found in the Application-as-filed, for example on Page 8, lines 7 through 10.

Applicants respectfully submit that this response does not raise new issues, but merely places the above-referenced application either in condition for allowance, or alternatively, in better form for appeal. Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

The Claimed Invention is Patentable

in Light of the Art of Record

Claims 1 through 4, 6 through 16, 18 through 20, 22 through 24 and 26 through 28 stand rejected over published European Patent Application EP 408164 (EP 164) to Ito et al in light of United States Patent Application Publication No. 2001/0008658 (US 658) to Barmore.

It may be helpful to briefly consider the invention before addressing the merits of the rejection.

Applicants respectfully reiterate that there remains in the art a long felt need for food casings which can transfer an ingredient, such as a dye, aroma substance, or flavoring, to a foodstuff situated therein. Transferable ingredients are challenging, because the coating and its transferable ingredient must be robust enough and adhere to the casing adequately to survive the stuffing process, yet the ingredient must have sufficient freedom to subsequently transfer to the foodstuff. Consumers also prefer that the foodstuff be uniformly covered with the transferred ingredient. Consequently, the complete transfer of ingredients onto a foodstuff located in the casing is considered highly advantageous.

Applicants further respectfully reiterate that the type of casing upon which the transferable coating is applied greatly affects the coating adhesion. Casings providing interstices at their surface, such as casings incorporating woven or knit fabrics, would be expected to initially provide improved coating adhesion; however, such woven or knit fabric casings would be expected to suffer from poor release properties due to coating entrapped within the surface interstices. Coating adhesion may be improved by incorporating components such as crosslinkers. Although beneficial in imparting adhesion, such crosslinkers would be expected to harden the coating entrapped within the woven or knit fabric interstice and act as an anchor thereby diminishing its release properties.

Altogether unexpectedly, Applicants have found that food casings incorporating a textile support layer consisting of a woven or knit fabric and a transfer coating formed from edible binder that is not water-soluble can be transferred completely onto a foodstuff located in the casing, along with aromas, dyes and/or flavorings, as reflected in Claim 1 as-amended.

In especially advantageous embodiments, the surface of the transfer coating is smooth so that sausage meat emulsion can slide thereover during stuffing, as recited in newly added Claim 29.

Applicants respectfully reiterate that the cited references do not teach or suggest the claimed invention.

EP 164 is directed to food transfer sheets that include a web, a "size" layer, and a separate food material layer . (Figure 1 and Page 2, lines 27 – 29). The size layer is expressly noted as water soluble, with the transfer of the food material taking place under wet or moist conditions. (Page 3, lines 22 -23 and Page 4, line 7) The size layer releases the food material layer upon moistening to “neatly” transfer the food onto the surface of the substrate. (Page 3, lines 20 – 30 and Page 4, lines 5 - 9). Applicants respectfully reiterate that the at-least-partially dissolved size layer of EP 164 does not transfer together with the food layer, as echoed by the Examiner in the previous Office Action on Page 4, Ref. No. 9.

EP 164 particularly teaches a matrix layer (1), a size layer (2) and a superimposed food layer (3). (Figure 1 and Page 2, lines 29 – 31). The matrix layer may be formed by papermaking techniques, nonwoven technology, extrusion, or via foam compression. (Page 2, line 35 – 44). EP 164 indicates that the food layer is deposited onto the surface of the size layer and subsequently “fixed” thereon; however, the food material remains as a discrete layer. (Page 3, lines 33 – 36 and Fig. 1). This discrete layer, as depicted in Figure 1, has a rough appearance defined by the individual food layer particles. (Figure 1, Ref. No. 3). EP 164 notes that the size layer is “interposed between” the matrix layer and the food layer. (Page 2, lines 27 – 29; Page 3, lines 8 – 9 and Abstract). Suitable size layers may be formed from any of a laundry list of water-soluble materials, including guar gum. (Page 3, lines 20 – 26). As previously noted by the

Examiner, the food layer is applied onto the surface of the size layer by dusting or the like. (Page 3, lines 31 – 42). Working Example 1 applies a combined weight of 190 g/m² to polyester film. (Page 4, lines 19 – 30). Working Example 2 applies a combined weight of 100 g/m² to polyester nonwoven. (Page 4, 34 – 39).

Applicants respectfully reiterate that EP 164 does not teach or suggest the claimed invention.

Applicants further respectfully reiterate that US 658 does not render the claimed invention obvious in combination with EP 164.

In contrast to the claimed textile support, US 658 is directed to films having a transferable coating. [0008 and 0047]. Considered in its entirety for all that it teaches, US 658 explicitly recommends a plasticizer to render its crosslinked composition more flexible, stating “[m]oreover, the dried composition is rendered more flexible due to the presence of the plasticizer.” [0196]. The coatings of US 658 may be applied by gravure coating, printing or lithographic coating. [0009]. US 658 indicates that the films may be “printed” with coating on a portion of the product. [0009]. The working examples of US 658 apply liquid smoke or caramel via a gravure roll. [0166]. US 658 provides an incredibly extensive list of suitable binders that fails to include gelatin and collagen. [0014]. US 658 does note, however, its determination that “certain binders were discovered to be better than others.” [0010]. US 658 indicates that the smearing of coating during filling can be minimized by controlling the hydration rate of its coating. [0010].

US 658 notes that an intermediate layer may be present between the film and transferable coating that can serve as a primer for the application of the transferable coating. [0023] In contrast to the urgings of the outstanding Office Action on Page 7, Ref. No. 17, this third layer is disclosed as potentially containing crosslinking agent, with US 658 specifically stating that “[a]dditionally or alternatively, the third can contain ... a “crosslinking agent.” [0023]. Alternatively, the intermediate layer may contain a release agent. [0023]. US 658 indicates that

the interaction of its binder and crosslinker controlled adhesion of the additive to the film.
[0010].

Applicants respectfully reiterate that US 658 does not teach or suggest the claimed invention.

Applicants further respectfully reiterate that there would have been no motivation to have combined EP 164 and US 658.

However, even if EP 164 and US 658 were combined (which Applicants did not do), the claimed invention would not result.

The combination simply does not teach or suggest the inventive food casings including a textile support layer and a single-layered transfer coating in which the coating is not water-soluble and transfers completely onto a foodstuff, as recited in Claim 1. Applicants respectfully reiterate that EP 164 expressly teaches a two-layered transfer coating formed from a water soluble resin onto which a separate food layer has been disposed. US 658 is solely directed to films having a transfer layer.

Applicants further respectfully submit that it was altogether unexpected to those skilled in the art that the inventive food casings incorporating a coating that is not water-soluble applied to the surface of a textile support layer could be transferred completely onto a foodstuff, particularly in the absence of a plasticizer. Applicants respectfully submit that the recited complete transfer of an insoluble coating from a textile surface is instead counterintuitive, as one skilled in the art would expect the insoluble coating to adhere to the textile, due, inter alia, to the penetration (and subsequent anchoring) of the coating within the textile interstices.

And the combination most certainly does not teach or suggest the inventive food casings including a textile support layer consisting of a woven fabric or a knit fabric, as recited in Claims 1 and 23 as amended. EP 164 is merely directed to nonwoven or paper, while US 658 is directed to film based casings. Applicants respectfully submit that the Office Action's urgings on Page 7,

Ref. No. 18, that “woven and knit materials were universally known in the sausage casing arts at the time the invention was made” and thus their use is obvious is purely conclusory. The combination of EP 164 and US 658 would have at best resulted in a casing formed from the nonwoven or paper taught in EP 164. Applicants further respectfully submit that woven or knit fabrics have been known since antiquity and were thus clearly known at the time of EP 164, yet EP 164 did not teach or suggest that woven or knit fabrics were suitable in its invention. Applicants thus respectfully submit that the Examiner is clearly indulging in an impermissible hindsight analysis.

Nor does the combination teach or suggest such advantageous inventive food casings in which the not-water soluble coating is formed from gelatin or collagen, as recited in Claim 22. EP 164 requires a water soluble size layer. US 658 provides an extensive list of suitable binders, which US 658 noted as being “better than others,” that did not include gelatin or collagen. Thus the combination of EP 164 and US 658 would at best have resulted in the incorporation of water soluble gelatin or collagen.

And the combination most certainly does not teach or suggest such inventive food casings in which a layer made of a water-soluble material is arranged between the textile support layer and the transferable coating so that the transferable coating loses its anchoring under the action of moisture, as recited in Claims 23 and 24. EP 164 does not teach or suggest the incorporation of two binder layers. US 658 plainly teaches an intermediate primer layer that may contain either a release agent or crosslinker, in contrast to the urgings of the outstanding Office Action on Page 10 at Ref. No. 28. Consequently, Applicants respectfully reiterate that the combination of EP 164 and US 658 would have at best merely suggested the incorporation of a primer layer containing a release agent; e.g. a wax or silicon compound, or a crosslinker. Stated differently, US 658 teaches the use of a release agent to initiate transfer, rather than the claimed layer of water-soluble material. Applicants further respectfully reiterate that the intermediate layer of US 658 is not noted as “soluble” but is instead referred to as a “primer” layer, in contrast to the urgings within the outstanding Office Action on Page 10, Ref. No. 26. US 658 merely states at Para. 0023 that “[p]referably, the film further comprises a third layer which is between the first layer and the second layer. This third layer can serve as a primer which is applied to the second

layer, for the subsequent application of the first layer. Additionally or alternatively, the third layer can contain an additive, such as one or more of the additives which can be present in the first layer, an/or a release agent and/or a crosslinking agent.” Thus US 658 does not note that its intermediate layer is “soluble” but does teach that it can contain either a release agent or crosslinking agent.

The combination similarly fails to teach or suggest expedient aspects in which the transfer coating is smooth so that sausage meat emulsion can slide thereover during stuffing, as recited in newly added Claim 29. Figure 1 of EP 164 instead clearly teaches a rough surface for its transfer layer. US 658, merely noting controlled hydration to reduce smearing during filling, does not cure this deficiency.

Accordingly, Applicants respectfully reiterate that EP 164 and US 658 do not teach or suggest the claimed invention, considered either alone or in combination.

CONCLUSION

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 4, 7 through 16, 18 through 20, 22 through 24, 26, 28 and 29 are in condition for allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

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